

phrase, clause, sentence, paragraph, or section of this manual shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections of this manual.

Section 1.7 Equal Opportunity Policy

The City of Sallisaw is committed to matching the talent and experience of each particular applicant with each specific job opening, without regard to race, color, religion, sex, age, national origin or disability, and to give full consideration to veterans and qualified disabled persons. It is the express policy of the City of Sallisaw to continue efforts to assure that no discrimination exists in the City's employment practices.

In addition, the City is pledged to take affirmative action to recruit, train, and promote qualified protected class individuals to positions of increasing responsibility within the City's employ. The City will continue to seek new and imaginative methods to improve the affirmative action plan.

Section 1.8 Nondiscrimination / Harassment Policy

The law does not permit, nor will we tolerate harassment of employees by other employees, or by customers or vendors. Likewise, we will not tolerate harassment of a customer or vendor by any employee of the City.

This includes harassment because of race, sex, religious creed, color, national origin, ancestry, disability or medical condition, age, or other basis protected by federal, state, or local law, ordinance or regulation. Such conduct by an employee could result in disciplinary action, up to and including termination of employment.

Supervisors and department heads are responsible for ensuring that our workplace remains harassment-free, and for enforcing this policy. Supervisors and department heads who engage in or tolerate harassment are subject to disciplinary action, up to and including termination of employment. Additionally, supervisors and department heads should be advised that they may be held personally liable by the courts if found negligent in carrying out their duty to prevent and correct workplace harassment.

While it is not easy to define precisely what harassment is, it includes any physical, verbal and visual conduct that creates an intimidating, offensive, or

hostile environment which interferes with work performance. Such conduct constitutes harassment when:

- (1) Submission to the conduct is made either an implicit or explicit condition of employment;
- (2) Submission to or rejection of the conduct is used as a basis for an employment decision; or,
- (3) The harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

The following are some examples of conduct that may be considered harassment. This list is provided as a sample of inappropriate workplace conduct, but is by no means all-inclusive.

- (a) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances invitations or comments;
- (b) Visual conduct such as derogatory and/or racially/sexually oriented cartoons, clothing, drawings, posters, photographs or gestures;
- (c) Transmitting sexually suggestive, derogatory or offensive materials via company computers (e.g., E-mail) or accessing such information on the Internet while at work;
- (d) Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- (e) Threats and demands to submit to sexual requests as a condition of continued employment or receipt of products/services, or to avoid some other loss, and offers of employment benefits or extra services in return for sexual favors; and,
- (f) Retaliation for having reported or threatened to report harassment.

It is every employee's and official's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place:

- (a) An employee should report harassment or suspected harassment immediately to the employee's department head. If the department head is the alleged harasser, then the complaint should be reported to the supervisor in the chain of command or to the City Manager's office. This complaint should be made in writing.
- (b) Anytime an employee has knowledge of harassment he/she will inform the employee's department head or the City Manager in writing.
- (c) Each complaint will be fully investigated and a determination of the facts and an appropriate response will be made on a case-by-case basis.

The City of Sallisaw will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in the investigation of alleged harassment. Disciplinary action will be taken against offenders. Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and social events with coworkers (whether or not the social event is sponsored by the City). Such conduct by vendors or visitors to the City also will not be tolerated.

Section 1.9 Sexual Harassment

Intent: The express policy of the City of Sallisaw is that sexual harassment of employees by supervisors, co-workers, or any other person over which the City of Sallisaw exercises control, will not be tolerated, and is strictly prohibited.

Policy Violations: It is against the policy of the City of Sallisaw for any employee, or any other person over whom the City of Sallisaw exercises control, male or female, to sexually harass another employee by:

- (a) Making unwelcome sexual advances or requests for sexual favors, or other physical conduct of a sexual nature, a condition of an individual's employment, or

- (b) Making submission to or rejection of such conduct the basis for employment decisions affecting the employee, or
- (c) Creating an intimidating, hostile, or offensive working environment by such conduct

Reporting violations: Any employee who believes he or she or any other employee has been subjected to sexual harassment shall report the alleged act to his or her immediate supervisor, Department Head, or the City Manager. Supervisors must report any suspected sexual harassment to the City Manager.

Investigation: All reports of sexual harassment will be fully investigated and where it is determined that sexual harassment occurred, disciplinary action will be taken. Every effort will be made to ensure confidentiality to the greatest extent possible.

False Accusations: Given the nature of this type of violation, the City also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. An employee found to have made false accusations is subject to disciplinary action, up to and including termination. All employees are encouraged to continue to act responsibly to maintain an atmosphere free of sexual harassment.

Compliance Authority: Every management employee is responsible for employment activities under his or her control, and for enforcement of the City's Sexual Harassment Policy.

Section 1.10 Americans with Disabilities Act-ADA

The Americans with Disabilities Act of 1990 ("ADA") protects qualified individuals with disabilities from employment discrimination. The City of Sallisaw is committed to the goals and guidelines of the ADA. The City does not discriminate against individuals with disabilities in regard to any employment practices or terms, conditions and privileges or employment.

To be protected by the ADA, a person must not only be an individual with a disability, but must also be qualified. The City is not required to hire or retain an individual who is not qualified to perform a job. Under the ADA, a "qualified individual with a disability" is an individual who, with or without reasonable accommodation, can perform the essential functions of a job. A "reasonable accommodation" is a change in a job or the work environment that